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ABSTRACT

This publication contains guidelines for Utah local school officials developing school policies concerning student rights and responsibilities. Following an introductory section, section 2 presents guidelines for student rights and responsibilities related to the relationship between students and educational institutions. These guidelines concern compulsory attendance; student records; cigarettes, alcohol, and drugs; dress and grooming; married or pregnant students; evaluation of educational programs; field trip expenses; basic educational skills; discrimination; and student participation in school decision-making. Section 3 presents student rights and responsibilities related to student affairs. These include First Amendment rights; freedom of religion; civil rights and responsibilities of the 18-year-old; student government; equal opportunity in sports; and extracurricular activities. Section 4 presents student rights and responsibilities relating to discipline and grievance. These include grievance procedures; arrest and interrogation of students; search and seizure; suspension, expulsion, and exclusion; and corporal punishment. An appendix contains suggested grievance procudures. (JM)

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Student RIGHTS AND RESPONSIBILITIES

FINAL GUIDELINES ESTABLISHED BY THE COMMITTEE ON STUDENT RIGHTS & RESPONSIBILITIES

EA 010 984

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FALL 1976
UTAH STATE BOARD OF EDUCATION

GUIDELINES FOR STUDENT RIGHTS AND RESPONSIBILITIES

FINAL REPORT
OF THE COMMITTEE ON
STUDENT RIGHTS
AND
RESPONSIBILITIES

SEPTEMBER 1976
SALT LAKE CITY, UTAH

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FOREWORD

A "student rights" movement has spread across the United States. It has awakened the nation's parents and educators causing many of them to sit up and take notice--often in disbelief.

At least four national organizations of attorneys and countless public welfare groups have joined the movement in behalf of the 68 million Americans under 18 years of age.

As this movement progresses, an appropriate balance must be struck between treating students as adults and giving them the protection needed because of their age and immaturity. The narrow legal approach of merely extending adult rights to students is not the answer. Students have special needs and in many regards require special protection. Defining the middle ground between the extremes must be carefully done. This report recommends such definitions and guidelines on student rights and responsibilities for the public schools in Utah. It is hoped that these guidelines may be widely disseminated in Utah's districts and schools and may stimulate improved practices within the state.

It should be recognized that the guidelines contained herein are suggestive. Local districts, of course, may and should develop their own student rights and responsibilities policies based on local conditions and needs.

Recognition should be given to the fact that the Constitution and laws of the state govern action by school districts. Changes in law needed to reconcile some of the practices suggested in this report would have to follow amendatory procedures by the State Legislature. It should also be noted that school officials and students are not authorized to disobey existing law even though suggestions herein may be in conflict with the law. As citizens all must abide the law and use legal procedures for amending it where desirable.

Attention of each student, school employee, and parent is called to Utah law which requires that

> . . . persons employed to give instruction and guidance to young people under eighteen years of age, . . . arrange and present their instruction, guidance, and plans for pupil and student thinking, discussion, decision, and activity as shall give special emphasis to common honesty, morality, courtesy, obedience to law, respect for the Constitution of the United States, and the Constitution of the State of Utah, respect for parents and home, the dignity and necessity of honest labor and other skills, habits and qualities of character which will promote an upright and desirable citizenry and which will better prepare our youth for a richer, happier life.

Thus rights and responsibilities go hand in hand. It is hoped that these guidelines will promote both without exclusion of one or the other.

Walter D. Talbot
State Superintendent
of Public Instruction

ACKNOWLEDGEMENTS

The Student Rights and Responsibilities Committee wishes to acknowledge the support of Utah's State Superintendent of Public Instruction, Dr. Walter D. Talbot. It was through his foresight that the Committee was organized and it was through his continuing interest and support that funds were made available to hold a number of Committee meetings.

Superintendent Talbot's Youth Advisory Committee (YAC) is also acknowledged as the group which initially recommended to the State Superintendent a study of student rights and responsibilities in the State of Utah.

Dr. H. Reese Anderson, Utah's former Coordinator of Pupil Services, served as a consultant to the Committee and is deserving of thanks for his time and effort.

Robert Leake, Michael Robinson and Helen Ure served as Study Committee Chairmen guiding the efforts of three work groups in producing the statements of guidelines. Their helpful leadership is gratefully acknowledged.

Mrs. Betty Christensen served as secretary to the Committee. She recorded, transcribed and typed the minutes of each meeting and prepared the several editions of the report. Draft typing was accomplished by Mrs. Jerrie Givan and Ms. Janet Hilliard. Final typing was done by Ms. Jan Mendenhall.

Finally, Utah Technical College at Salt Lake made its facilities available for monthly meetings of the Committee. This aid was greatly appreciated.

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Section I

INTRODUCTION

Midway during the 1973-74 school year, the State Board of Education, on recommendation of the State Superintendent of Public Instruction, Walter D. Talbot, appointed a widely representative committee of Utah citizens and charged this committee with the task of producing a set of written guidelines for students' rights and responsibilities in Utah.

This Committee was made up of 30 members including student representation from the secondary school level. It was instructed that its guidelines would be basically advisory and persuasive in nature. Further, the Committee was asked by Superintendent Talbot to include in the guidelines certain items or topics, but the Committee was not limited to those suggested by the Superintendent. In addition, the Committee was encouraged to complete its work rapidly so that the guidelines would be available to local school districts as soon as possible.

The rationale for seeking a set of guidelines was developed by the Youth Advisory Committee (YAC) and included the recognition that students actively contribute to the improvement of education because school policies recognize and outline the existence and legality of student rights as well as student responsibilities. This student group pointed out that students desire that their educational experience will prove to be an apprenticeship in responsible citizenship--an experience in which the individual student's rights are faithfully respected as well as having the opportunity to be trained and informed of their responsibilities in observing the rights of others.

The student prepared rationale went on to say that our judicial system has repeatedly sustained the fact that students have individual civil liberties. However, some schools maintain policies in ignorance of legal precedents. Thus, it seems apparent that school officials need access to guidelines to aid them as they attempt to humanize education and draft appropriate school policies and administrative procedures. Obviously, such guidelines should be basically advisory and persuasive in nature because to attempt to require strict adherence to, or enforcement of, any recommended guidelines might destroy the autonomy of local school officials. Since the guidelines would be offered in an attempt to improve the quality of education of all parties concerned, it could be concluded that the educational process as a whole stands to profit.

The Student Rights and Responsibilities Committee held its first meeting in December of 1973. During this initial meeting commitment was secured relative to the Committee's mission and next steps for Committee action were designed. During the second meeting of the Committee in January, 1974, the Committee organized itself to meet its assignment. Three subgroups were formed as follows:

1. The Study Committee on Relationships Between Students and Educational Institutions,
2. The Study Committee on Student Affairs, and
3. The Study Committee on Discipline and Grievance.

During the late Spring and Summer of 1974 the Committee as a whole reviewed and suggested revisions to preliminary statements prepared by each of the three study committees. Eventually Committee signoff was secured on a working draft of the guidelines. This draft was taken to the State Superintendent of Public Instruction and to the State Board of Education and approval secured to disseminate the tentative guidelines to Utah's school districts for pilot use and for receiving suggested input for refinement from students and from those working directly with students.

Based upon feedback from practitioners, the Committee met again following the close of the 1974-75 school year and during the Fall of 1975 and revised the guidelines so that a sound and well conceived document dealing with the matter of student rights and responsibilities will be available for use in the public schools in Utah.

The remainder of this document will be made up of guidelines grouped under three major sections plus some Appendices. Section II will present the guidelines relative to relationships between students and educational institutions. Section III will present guidelines relative to student affairs, and Section IV will present guidelines relative to discipline and grievance. Other miscellaneous materials are included in the Appendices at the back of the report.

The Committee recognized the controversial nature of the topics studied and of the recommendations it has made relative to these topics. It should also be recognized that the Committee's charge was to develop guidelines to meet the desired status or "ought to be" status of student rights and responsibilities. This means that in some cases there may be a discrepancy between the guidelines presented here and the actual present or legal status in the public school system. It is hoped that this report will be viewed by those reading it in the same way that the Committee views it; that is, as broad guidelines under which local school units can design and develop specific school policies and procedures.

It is recommended that the State Board of Education require a review of the document within a two-year period to make any alteration which may seem desirable after this period of usage.

Don K. Richards
Committee Chairman

Michael L. Robinson
Vice Chairman

Section II

RELATIONSHIPS BETWEEN STUDENTS AND EDUCATIONAL INSTITUTIONS

RIGHTS TO AND PROCEDURES OF COMPULSORY ATTENDANCE

Student Rights

- Resident students, including mentally and physically handicapped students, have the right to full education at no cost to them from age five to completion of grade twelve whatever their age, consistent with their needs and abilities to benefit therefrom provided said students are putting forth an honest effort to achieve competence in the subjects studied. This education may be in the form but not limited to regular schooling, night school, an alternative learning center, a vocational skills center, on-the-job training, or even a competent home learning environment.

- Students have the right to transportation to school or reasonable provisions toward such if they live two and one-half miles or more from school. Students may be paid for mileage in lieu of transportation when they do not live on a bus line and live beyond the stipulated distance.

- Students have the right to due process in all cases of suspension or expulsion (see Section II, Page 27.0 relative to due process").

- Each student has the right to be excused from attending school provided he or she has acquired the competencies equivalent to State requirements or is currently involved in an alternative vocational training program on the job or in the home (see column two on student responsibilities, subtitle a). It should also be noted that married students have the right to choose not to attend school if that is their wish.

- Any student who has reached the age of 16 years and is judged by school officials to be unable to profit further from school attendance because of continued negative attitude and behavior toward school rules and regulations and school discipline, may be excused from school attendance by the district board of education upon the recommendation of the district superintendent.

- Students have a right to the use of textbooks, laboratory supplies (glue, sandpaper, lumber, home economic products, required literary materials, towels, and uniform gym

Student Responsibilities

- Students share with the school administration and faculty the responsibility to develop a climate within the school which is conducive to wholesome learning and living.

- Every student ages 6-18 is required to attend the public schools provided. However, students may be excused, subject to the following provisions:

  a. That the student receives an equivalent education at home or in a private school (the required length of time for school attendance and the prescribed course of studies must be met as in the public schools).
  b. That the student is physically or mentally unable to attend school (this fact must be certified).
  c. That no school or free transportation is provided within two and one-half miles of the student's home.

- Every student is responsible to attend school and to successfully complete the course.

- Every student is responsible to conform to school rules and regulations. It is suggested that these rules and regulations be adopted following joint efforts of students, faculty, administration, members of the local school board and parents, and formally approved by the local board of education taking into account the rights of the individual student (not just rights of the majority).

School Responsibilities

- Each school and school district in the State of Utah are expected to provide a quality educational program for all students through completion of a high school diploma.

- Each school district should provide transportation to students who live within the legally prescribed distance from school.

- Each school and school district should provide an opportunity for education to all students from five years of age to high school graduation whether married or single, pregnant, or educably retarded.

- Since students are required to attend school, the school district and the school should provide competent, certificated teachers and quality educational programs.

- It is recommended that local boards of education continually upgrade the members of their teaching staff through vigorous inservice training programs and through all other available means.

- Schools should provide facilities, textbooks, supplies, and extracurricular activities. Consumable commodities that become the personal property of the student should be paid for by the student.

- No educational institution shall deny admission to any program, extracurricular activity or facility solely because of race, ethnic origin, sex, religion or socio-economic background.

- It is suggested that each high school relate with the Utah Job Service (formerly Utah State Employment Service) in its area as well as provide information on job placement services and job counseling for high school students. Junior high schools may want to institute preparatory job guidance or counseling in conjunction with the UJS when possible.

Rights to and Procedures of Compulsory Attendance Continued

Student Rights	Student Responsibilities	School Responsibilities
clothing), and integral extracurricular activities, without cost to themselves; and a further right to no required fee for anything that is an integral and fundamental part of the education of the student.		

12a

12B

Student Rights

- Parents or students accompanied by parents have a joint right to inspect and review the student's educational records maintained by the school and kept up to date by teachers if such records are used for other than personal use of the educator.

  Where the student is 18 years of age or older (except when dependent) the right of privacy and confidentiality rests entirely with the student.

  Students/parents have a right to an opportunity for a hearing for the purpose of challenging the contents of the student records and to ensure their accuracy by having the opportunity to correct any inaccuracy by deletion or insertion of written explanations by the parents respecting the contents of such records.

  Parents or students accompanied by parents should be permitted to examine student records freely and without interference, except that the school may require the physical presence of a school official who is qualified to properly explain the meaning and implications of data that are examined.

- No school may release personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student. This written consent must be signed and dated by the parent of the student or the eligible student and shall include:

  (1) a specification of the records to be disclosed,
  (2) the purpose or purposes of the disclosure, and
  (3) the party or class of parties to whom the disclosure may be made. Preferable: officials of another school or school system in which the student seeks or intends to enroll may secure verified educational records upon request, if the sending school includes a notice in its policies and procedures or a statement to

Student Responsibilities

- Students must become aware of the implications involved in the filling out of forms and questionnaires (as to their purpose and legal requirements).

- The student and his/her parent(s) should carefully and objectively assess all entries in a student's record.

- Students should take care in releasing information from their student records, especially in circumstances which may disrupt school operations or intrude into the privacy of people mentioned in or those who authored the entries.

- Due to the comprehensiveness and complexity of this section on student records, students and their parents are strongly urged to refer to THE PRIVACY RIGHTS OF PARENTS AND STUDENTS, Public law 93-380 Sec. 43, (This law is posted at universities and may be obtained through the offices of U. S. Congressmen, as well as from schools and school districts which are required by law to inform parents--see School Responsibilities) and to Guidelines on CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS Adopted by the Utah State Board of Education August 19, 1976.

- Note: This section should be used for information purposes.

School Responsibilities

- The contents of the official folder of a student should not be sent outside the Office of the Registrar or other record office, except in circumstances relating to legitimate educational functions, or upon court order, and those exceptions as listed under Student Rights. Schools should establish procedures to verify the accuracy of data maintained in the student's record and destroy records no longer current or of no use. Caution should be exercised in what is expunged (schools and students should refer to guidelines on CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS adopted by the Utah State Board of Education, August 19, 1976.

- Each educational agency or institution shall maintain a record of agencies or organizations which have requested or obtained access to a student's educational records maintained by the agency or institution. This record should indicate specifically the legitimate interest the person, agency or organization has in obtaining this information.

- Information should be classified so that only the basic minimum of data appears on the permanent record card while the rest is periodically reviewed for relevancy. Transcripts of academic records shall contain only information which constitutes minimum personal data necessary for the operation of the educational system such as name, birthdate, sex, social security number, parent's or guardian's names and addresses, grades and academic work completed and attendance data; disciplinary records, counseling files, and other subjective data or information used primarily for internal use by the professional staff should be kept separate and only selectively included in the transcripts upon the basis of need following consultation with school officials. It is recommended that no data reflect the political activity or beliefs held by a student nor should records of race, color, creed, nationality or social position be maintained in them. It is also recommended that schools and school districts

Student Rights	Student Responsibilities	School Responsibilities

that effect; or if the transfer of the records is initiated by the parent or eligible student; or if the sending school makes a reasonable effort to notify the parent or eligible student of the transfer of the records at the last known address of the parent or eligible student. The school must provide the parent or the eligible student, upon request, with a copy of the education records which have been transferred outside of the school district.
(4) Governmental agencies (Comptroller General of the United States, the Secretary of Health, Education, and Welfare, administrative head of an education agency, state educational authorities) shall have access to student records where such information will be protected from unauthorized disclosure and shall be destroyed when no longer needed.
(5) Testing and evaluation studies may use educational records where there is no personal identification of students or their parents and when the information will be destroyed when no longer needed.
(6) Access to student records may be allowed by regulations in cases of emergency to protect the health or safety of the student or other persons.
(7) It should be noted that governmental investigative agencies as such have no inherent legal right of access to educational records of students. They may, when identified to the school principal and records manager, and if it seems appropriate to them, be given the following information upon specific request:
(a) verification of place and date of birth, (b) school or division of enrollment and class, (c) dates of enrollment, (d) home and local addresses and telephone numbers, and (e) name and address of parent or guardian.
Information, otherwise, may be released only upon judicial order, or lawfully issued subpeona, upon the conditions that the student and parent(s) are notified in advance of any compliance by the school to such an order and that the order has been referred to the school or district's legal counsel.

- Utah law describes student communications with licensed social workers and

refrain from classifying their pupils with reference to the same, except where such information is required by law, proves to be necessary for auditing and funding programs, and for demographical and evaluative studies. In all such cases personal identification should be held to a minimum.

- Whenever any person, agency, or organization is allowed to obtain educational records of students, it is to be upon the condition that such third parties will not permit any unauthorized person access to such information without the written consent of the student/parent(s).

- Schools and school districts should provide an inservice program which includes a comprehensive review of students' rights to privacy and appropriate procedures to guarantee that right to the public school. Special consideration should be given to the security of educational records of students in those situations where electronic data processing is involved.

- Schools and school districts should determine locally the student/parent relationship with regards to student records in consultation with the State Board of Education.

- Data collection for educational records of students should be with school board consent depending on the nature of the information to be collected:

(1) Where basic student identification (student directory information) or academic progress by standardized aptitude and achievement testing is involved, school board consent is appropriate.
(2) On the other hand, written individual consent must precede any program of individual personality assessment or individual psychological evaluation or when gathering information concerning a student's family (such as ethnic origins, religious beliefs, occupational data, marital status of parents) or where information is obtained which is not directly relevant for educational purposes.
(3) Data collection for non-school purposes, whether by school personnel or by other individuals or groups (medical or social

Student Rights	Student Responsibilities	School Responsibilities
psychologists as "privileged communications" and are therefore of a totally private nature. School counselors are presently not covered by this law and therefore, communications with such are treated in a like manner with other school records.		science research studies), requires that prior written consent of student/parents as well as prior informed consent must be obtained from responsible school authorities. In cases where data are to be collected under conditions of anonymity, this fact should not relieve the collecting agency of the obligation to obtain appropriate consent. School authorities should establish procedures for regulating the collection of such data. • In disseminating information-gathering forms, the school should inform the student of the purpose of the form and whether or not such information gathered is confidential, and whether such information is required by law or may be volunteered. • Schools and school districts must inform parents, students 18 years of age and older, and students attending an institution of post-secondary education of the rights provided by THE PRIVACY RIGHTS OF PARENTS AND STUDENTS, Public Law 93-380 Sec. 438.

SMOKING, ALCOHOL AND DRUGS

Student Rights

- Students who do not smoke have a right to be in an educational environment free from tobacco smoke.
- In light of the U. S. Surgeon General's report showing the physically harmful effects of smoking, no change in the present Utah law lowering the legal age for smoking is necessary or appropriate because the schools have a definite legal responsibility to protect students from potentially lethal hazards.
- Under Utah law, no person under 19 years of age has the legal right to buy, possess or use tobacco of any kind.
- Students' rights regarding use of alcohol are also defined by current Utah law (no person under the age of 21 years may purchase, consume or possess any alcoholic beverage). Since alcoholism is the most prevalent of all drug problems and since alcohol has been proven to be addictive, and physically and mentally harmful if taken in excess, no change in Utah's law is needed.
- Students' rights in relation to drug usage (as the term is commonly applied) are outlined in the Utah Code, section 58-37-8. No change in this law is recommended unless scientific or government evidence about a particular banned drug results in it being declared safe for personal use.
- The above rights or restrictions must be regarded not as guidelines to be abused or ignored but as intelligent safeguards produced as the result of painful experience of others; and therefore, a necessary part of a complete learning process.

Student Responsibilities

- The use of tabacco, alcohol and other drugs affects people other than the user. It is the responsibility of persons using these materials to respect the rights of non-users.
- Students have the responsibility to be familiar with the laws and the physical and mental effects concerning usage of alcohol, tobacco, and drugs and to abide by those laws when in the school community. The laws apply outside the school community as well. The illegality of tobacco, alcohol, and drugs on public property is dictated by the laws of the State of Utah.
- The students have the responsibility to abide by school regulations regarding the use of alcohol, tobacco and drugs when those regulations are in harmony with local, State and federal law.
- Students have the responsibility to obey the law so as not to subject themselves to ill-effects or endanger others. This decision must be responsible not only to oneself but to society as well.

School Responsibilities

- School authorities have the responsibility to educate students regarding the law including the areas of smoking, alcohol and drugs.
- Schools should provide, through health education classes and other appropriate classes, data which are as objective as possible regarding alcohol, tobacco, and drugs. These data should also include some insight into the psychological aspects of tobacco, alcohol, and drug usage.
- To say that the student has the responsibility or that he should obey, does not necessarily mean that he will; therefore, the school not only has the responsibility to educate but must also take action when students fail to cooperate. Schools have the responsibility to require compliance with the law on the school premises and at school functions.

DRESS AND GROOMING

Student Rights

- At the present time, local school boards have the authority to establish comprehensive dress codes and hair regulations in Utah. The Supreme Court has, however, held that students may wear arm bands or buttons with non-offensive slogans on them to collectively or individually exercise their freedom of expression.
- Students and parents should be an integral part of the process leading to dress and grooming codes.
- Students have the right to be individual as a true expression of ethnic or cultural heritage.

Student Responsibilities

- Students have the responsibility to avoid dressing in apparel that is so extreme as to interrupt the school's decorum and favorable learning atmosphere.
- Students have the obligation to maintain a reasonable degree of personal cleanliness.
- No student's constitutional right is violated by requiring students to wear special clothing for certain classes and activities, i.e., shop, science laboratories, physical ed., etc. Students have a responsibility to cooperate fully with special clothing standards required for special classes and school activities.

School Responsibilities

- Schools should not impose limitations on dress or hair styles in which fashion or taste is the sole consideration; nor should schools impose grooming standards which would deny a student the right to express ethnic and cultural heritage.
- School dress and grooming standards should attempt to enhance the educational climate, the health and safety of the individuals and the school, as well as maintaining the freedom of the individual.
- Students should not be disciplined or barred from school activities because of dress or hair style unless participation in such an activity would be dangerous to personal health and safety or materially and substantially disrupt the educational process.
- It is recommended that cleanliness, comfort, and "selfness" be the guidelines in regulating dress and grooming standards, and that students, with the advice of parents, be permitted to dress in a manner that expresses their individual taste in clothing and their feelings about themselves.

RIGHTS OF MARRIED STUDENTS AND/OR PREGNANT STUDENTS

Student Rights

- The married student has the right to seek his/her high school diploma until it is secured.
- A pregnant student has a right to an education without cost to herself until such a time as her physical and/or mental health become jeopardized by her continuation in school as determined by herself, her husband and/or parents, and her doctor.
- The educational process recognizes the right and need for equal opportunity of an education which cannot and will not be denied merely because of marriage; or because of pregnancy, or parenthood of either a married or single student.
- The essential role of extracurricular activities in a well-rounded education requires that the school allow married, pregnant, or students who are parents to participate in these activities just as other students do.

Student Responsibilities

- Pregnant students have the responsibility to notify school officials if their physical condition would warrant a change in their program.

  Students who marry have a responsibility to notify school officials of their change in legal status.
- Married students and pregnant students have the responsibility to use discretion in personal behavior.

School Responsibilities

- The school has an obligation to help married students who continue in school to adjust to their new situation.
- The school has a responsibility to teach any "homebound" student who is pregnant and desires to continue her education.
- The school should not make any policies which forbid the participation of married students in any extracurricular activity in which they are physically capable of participating.
- The school curriculum should contain courses in parent training--not only for married or pregnant students but for all students (the Office of the Utah State Board of Education has material available which could be used).
- The school should not require a pregnant student to participate in any activity which might be harmful to her health or that of her unborn child.
- The school may require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activities so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

  The school shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from pregnancy in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan, or policy which the school offers to other students in the school OR the school may give such students a leave of absence for as long as it is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began. (Paragraphs six and seven, section 86.40 of Title IX of the Education Amendments of 1972.)

THE RIGHT TO EVALUATE EDUCATIONAL PROGRAMS

Student Rights

- The quality of education in the public schools is of individual concern to students. The student receiving an education is generally a good judge of when actual learning has taken place. Because a student's life is influenced by the quality of education he/she receives, a student should have the right to evaluate the educational program. The evaluation should include, but not be limited to, class size, adequacy of facilities, materials and equipment, curriculum offerings, requirements for graduation, and staff.
- It is a student's right to expect:
  1. Safe, pleasant and well-equipped schools and school grounds.
  2. Competent teachers, administrators, and other personnel necessary to meet his/her needs.
  3. Up-to-date educational programs with limitations placed on class size which will be most productive to the learning process.
  4. Sufficient personnel to execute good comprehensive programs.
  5. A rich and varied supply of teaching-learning materials and equipment.

Student Responsibilities

- Students should take advantage of the opportunities for learning provided for them.
- Students, along with teachers, administrators, and parents, should develop rules and procedures for evaluation of programs, staff and facilities.
- Students should adhere to mutually agreed upon rules and procedures.
- Students should strive to develop objectivity.

School Responsibilities

- The school should accept the responsibility of establishing a committee of teachers, students, administrators, and parents to formulate rules and procedures which the majority can agree to in order that a fair workable process can be implemented for students to evaluate the educational system. The evaluation should include, but not be limited to, class size, adequacy of facilities, materials and equipment, curriculum offerings, requirements for graduation, and staff.
- All evaluations of staff should remain confidential and should be given only to the person involved.

FIELD TRIP EXPENSES

Student Rights	Student Responsibilities	School Responsibilities
• Every student, without personal expense, should be privileged to participate in field trips if they are promoted by his/her school for the purpose of enhancing the curriculum or are required for credit.	• Each student should conduct himself/herself in such manner as to receive the maximum benefits from field trips provided for him/her. • On field trips especially, each student should avoid conduct that may cause injury to himself/herself or to others.	• Schools should not require field trips for credit unless the school assumes the expenses for all students. • If optional field trips are offered, great care should be exercised in order not to discriminate against any student who might want to attend.

RIGHT TO LEARN BASIC EDUCATIONAL SKILLS

Student Rights

- All students (even those with minimal capabilities) have a right to expect a foundation in the basic elements of education. This goal must be attained through the application of teacher and administrative understanding.

  Provision for materials and learning experiences should be built into the system. To sustain the right to learn, students should be able to count on public and legislative support.

- The right to learn a skill does not mean that every student will acquire it.

- No educational institution at any level should deny admission or access to any program or facility to any applicant because of race, age, sex, religion, marital status, national origin, physical handicaps, or previous political activity.

  No educational institution may use criteria which result in unequal treatment of students because of social or economic background. However, strong compensatory education programs should be available to students according to their needs.

- No institution receiving public funds shall allow tuition charges to prevent admission of any applicant. Charging of fees with regard to students who reside beyond the district boundaries is a legal right of the school district.

Student Responsibilities

- Commensurate with their age, students have the responsibility to present themselves at designated places with positive and healthy attitudes toward the learning process.

  In general, parents must assume responsibility for the health, attitudes and preparation of pre-schoolers.

- Students should attend school regularly, make conscientious effort in classwork, and comply with school rules and regulations.

  "Regularly" implies that the student will attend class a significant number of times to obtain such in-class or in-school information necessary for satisfactory completion of the course.

- Students should share with administration and faculty members the responsibility to develop an atmosphere conducive to wholesome learning and living.

- Students should respect the rights of all who are involved in the educational process.

School Responsibilities

- Adequate facilities, fine faculty, up-to-date teaching materials, and a basic love and understanding of all kinds of children should be expected in every school environment. Alternative methods and facilities should be made available to those students who could benefit from them. An atmosphere conducive to learning should be maintained.

- Schools should provide every necessary means for both parents and students to be involved in the determination of policy, programs, and regulations.

- The school should endeavor to inform each student and his or her parents relative to regulations, intent, and specific programs available to students within the school.

- Schools should provide the necessary programs and teachers to make basic educational skill attainment possible for all students.

- Schools and districts should endeavor to keep class size small enough to facilitate the learning of basic educational skills.

DISCRIMINATION--SEX, ETHNIC, ECONOMIC

Student Rights

- Sex - Except for classes which meet the unique differences and/or needs of boys and girls and which also protect their personal privacy and sensitivity, no person shall be refused admission into or be excluded from any course of instruction offered in Utah's public school system by reason of that person's sex.

  All students of either sex have the right to participate in school-sponsored and organized programs at appropriate levels. This includes intramurals, extramurals, sports clubs, and varsity athletics. Separate dressing, showering, and similar "private" facilities should be maintained.

  All students have the right to equal participation in non-competitive/non-contact sport programs of their level containing members of the opposite sex, if desired, and if such a program can be made available within the school's curriculum.

  Students have the right to vocational counseling which is non-sex oriented.

  Students have a right to textbooks which are not sex stereotyped.

- Ethnic - Students have a right to learn about, preserve, and respect the culture of each and every environment, especially their own.

  All students, including ethnic minority students, have the right to expect teachers and counselors to understand and relate to their cultures, backgrounds, and language.

Student Responsibilities

- Sex - Each student has the responsibility to uphold and respect the guidelines of each school in order to ensure and preserve the rights of the student.

  All students have a responsibility to respect the other sex.

- Ethnic - Students, individually and collectively, should make opportunities to grow in knowledge and understanding of people and groups unlike themselves.

  Students need to become more responsive, cooperative and more self-disciplined in the classroom setting.

School Responsibilities

- Sex - Schools should provide an atmosphere in which students of both sexes are given equal opportunity and maintain a realistic sense of values between men and women.

  School personnel should plan and implement a sports program for all students which will include intramurals, extramurals, sports clubs, and varsity athletics.

  Girl's sports programs should receive proportional funding to facilitate equitable access to facilities.

  School leaders should work out equitable sharing of facilities, budgets, equipment, practice schedules, etc., to promote participation for all interested students in a broad sports program.

  It is contrary to true equal opportunities to merely permit girls to participate in a limited capacity on boy's teams for the sake of providing some justification for lack of an equivalent girl's program. Separate sports programs for boys and girls must be implemented if equal opportunity cannot be provided in a single sports program, e.g., equal proportion of boy/girl participants of equivalent athletic ability on a single program. It is not recommended that the boy's athletic programs be diminished, but that the girl's programs be established and become a reality in addition to the boy's program.

  The emphasis in the Utah school system should be to make the physical education classes more relevant to the wise use of leisure time.

  Schools should make it a matter of school policy to inform vocational counselors of their duty to keep job options open regardless of sex.

- Ethnic - School districts should build into the curricula programs that will include other culture differences and language background differences that will serve as strengths to ethnic minority students.

Student Rights	Student Responsibilities	School Responsibilities
All students, including ethnic minority students, have a right to relevant and valid I.Q. tests that make provisions for cultural and language differences. All students, particularly those students who are bilingual or whose dominant language is other than the common language, should expect to be taught in a bilingual program, where possible, especially where there is a considerable number of an ethnic minority in the school. Students have the right to expect released time upon approval of parents and be accountable for time in organized study or religious instruction.	Students must become more knowledgeable of the role that the counselor plays in their education. Students need to develop a willingness and positive attitude in accepting counseling and guidance. Bilingual students should make every effort to become proficient academically in both cultures and languages. Students who lack seminary or church programs of their persuasion or choice should make their desires known to school and church officials.	Districts need to use measurements for intelligence which are valid indicators for students of ethnic minority backgrounds who are culturally and linguistically different. Districts should use caution when tracking and classifying any student by aptitude and ability making sure educational quality is maintained for all students. Districts need to subscribe to an enforcement policy in the areas of student suspension and exclusion that is equitable to all students. The school should provide released time for all church-related religious or seminary education programs on an equal basis.
• Economic - Students have the right to expect activities such as Pep Club, textbooks, general supply fees, lockers, athletics, caps and gowns, etc. to be either without cost to them or within reasonable limits for everyone regardless of economic status.	• Economic - Students have the responsibility to care for and protect school property and to pay for that property lost or damaged through their negligence or misuse.	• Economic - Schools should adhere to the law relative to fees, free textbooks, etc. when that item or program is required as part of the educational program. Schools may not withhold earned diplomas for lack of payment of fees.

THE RIGHT TO BE INVOLVED IN PUBLIC SUPPORT OF EDUCATION

Student Rights

- The Utah State Board of Education has adopted a position in support of public involvement in education decision making which declares in part the public to be "citizens of the State who are affected either directly or indirectly by decisions in education." In the context of this position and definition students have full right to be involved in the decisions affecting their education. "No institution in a free society will long exist without a full measure of public support. Therefore, mechanisms must be found for the meaningful involvement of more individuals and groups in education decision making."
- Students have a right to be trained in the process and function of the education system to enable them to make constructive and positive contributions to the system, their community, and society as a whole.
- Students have a right, when given training, experience and partnership, to seek to effect necessary changes in education through the proper channels of a democratic system.
- Students have a right to seek involvement in such methods as will preserve that which improves the system to the benefit of the student, as opposed to preservation of the system for the system itself. Application of this philosophy should direct education toward being more student-oriented and more in keeping with the times of the student for which the system is designed.

Student Responsibilities

- Students should take full advantage of the learning and training experiences in decision making provided by the schools in preparation for partnership in the education decision making system or process.
- Students should seek to work in harmony with home and school objectives to help ensure a cooperative partnership and a guarantee of community and individual identity and support in and for education.
- Early in their educational experiences and in cooperation with home and school, students should seek to establish long-range life goals upon which the school may base and keep current its education program.
- Students should adhere to proper channels and procedures for their involvement in education policy setting and decision making.
- Students should seek to understand the history of the education system and develop an awareness and appreciation for those whose influence provided them their educational opportunity, while recognizing their responsibility to contribute to educational inprovement.

School Responsibilities

- In carrying out implementation of the State Board's position paper, schools should provide for students an apprenticeship in participatory democracy which promotes responsible citizenship at school, in the community, and in other institutions in society.
- Further, schools should develop in students the interests, attitudes, and skills which will enable them to become involved while in school and after leaving school.
- Schools should give thorough consideration to the rights and opinions of those students who rarely speak out and encourage participation by all students for the individual and collective welfare of all.
- Schools should recognize their role as an auxiliary to the home in the education of all students.
- Schools should provide leadership in implementation of the community support and involvement position with inservice training for educators as well as for the general public.
- Schools have a responsibility to be responsive to the public, of which students are a part, as a means of gaining public support.

Section III

STUDENT AFFAIRS

FIRST AMENDMENTS RIGHTS: GENERAL STATEMENTS

Student Rights	Student Responsibilities	School Responsibilities

The freedom of ideas and beliefs through individual expression is one of the most powerful and effective articles contained in the Constitution. The First Amendment guarantees the right of freedom of speech, of assembly, and petition. This is a fundamental foundation for freedom through exchange of ideas and thoughts. It guarantees that through knowledge of all people, the rights of all people will be protected and maintained. The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools.

- Freedom of speech (to express opinions on any subject) is a right guaranteed by the United States Constitution, restricted only in such a manner as to protect the educational process from material and substantial disruption, to protect other individuals from unlawful libel, and to protect the community from obscenity and damage to the welfare of others. With these needed limitations, freedom of expression can take any form and covers publications, handbills, and announcements, assemblies, group meetings, buttons, arm bands and other forms of communication.

- Students in their exercise of freedom of speech should not suffer if other students, who are lacking in self-control, tend to overreact thereby becoming a disruptive influence; but the school should, of course, take all reasonable steps to control disturbances, however generated.

- Limitations of libel and obscenity are to be respected for the protection of individual rights and must not be abused.

- It is essential that all student rights are observed in maintaining freedom of speech and that feelings and opinions of all are heard and not just that of a few. Students should take responsibility to avoid use of vulgar and abusive language.

- Students must carefully review material which they may want to distribute. The Supreme Court has defined "obscene material" as material which, as determined by school officials or by the courts when considering the material in whole:

  1. Predominantly appeals to prurient, shameful interests of minors;
  2. Patently offends community standards regarding suitable sexual materials for minors;
  3. Lacks serious literary, artistic, political, or scientific value for minors.

  If it is determined that such material meets all three criteria which may vary from community to community, the material is obscene and is liable for confiscation by school officials.

- Schools should foster a climate of freedom of speech and a willingness to discuss and challenge issues, causes, concerns, etc.

- Schools should not make notations on the permanent records of students relative to participation in activities of freedom of speech, assembly, etc.

- Schools should carefully consider material evidence and carefully scrutinize such evidence in determining to what extent, if any, printed material will or does actually cause substantial and material disruption in the school before deciding whether or not to ban such material.

- Schools should try to be flexible where material advocates disruptive activities or disobedience to rules and regulations or is insulting to a group or an individual where such material has been compiled and printed with sincere and honest opinions and motives.

- Schools need to become aware of the technical term "obscenity" and should guard against students using vulgar language.

FIRST AMENDMENT RIGHTS: ACCESS TO SCHOOL COMMUNICATION RESOURCE

Student Rights

- Appropriate student access to equipment and materials for disseminating announcements and information includes the use of bulletin boards; use of the school public address system (subject to reasonable limitations); and use of school duplication equipment (subject to reasonable limitations).
- Bulletin board space should be provided for the use of students and student organizations.

Student Responsibilities

- Students must be aware that regulations about the manner, time and place for use of school communication facilities are obviously necessary because of certain operational priorities.

School Responsibilities

- The availability of communication facilities to one student group must not be denied other groups.
- School officials have a responsibility to see that material posted is not libelous or obscene according to current legal definition, and school officials may require student identification of any posted notice and its date in order to prevent disruption of the educational process.
- Schools can adopt regulations that require materials be approved or cleared through the principal's office before being posted or communicated throughout the school.

FIRST AMENDMENT RIGHTS: STUDENT PRESS

Student Rights

- Official school publications such as school newspapers may reflect the policy and judgment of the student editors. (Student publications have the responsibility to refrain from libel and obscenity, and to observe the normal rules for responsible journalism.)
- Students who are not staff members of the newspaper should have access to its pages. Particularly when there is only one school newspaper available, the normal rules for responsible journalism suggest that access be provided for opinions of other students.
- Student press staff members should be protected from arbitrary removal by groups or individuals who disapprove of editorial policy or content on grounds other than legality and policy. The student press can be a valuable learning device and an important educational resource. Its effectiveness, however, may be substantially impaired if student editors function under imminent fear or from constant restraint.
- Students have the right to know the constraints placed upon student publications as spelled out in school and school district rules and regulations.

Student Responsibilities

- Student press members may be held responsible for materials which are libelous or obscene, and publication of such may be prohibited.
- Students have the responsibility to be fully aware of and comply with school and school district rules and regulations relative to the student press.

School Responsibilities

- Courts have ruled that school authorities may prohibit dissemination of student-originated material only when such material would substantially interrupt the educative process or intrude upon the rights of others. This does not prohibit the school and school district from developing, adopting, and requiring compliance with reasonable rules and regulations relative to the student press.
- Note: Because a student press is funded and maintained through public taxes, freedom of expression therein is a right contingent upon the "will of the public." The school has the responsibility, then, to carry out the public mandate on this regard.

FIRST AMENDMENT RIGHTS: DISTRIBUTION OF LITERATURE

Student Rights

- Students have the right to engage in orderly and not substantially disruptive distribution of papers (leaflets, brochures, or other written forms of expression).
- Students have a right to a prompt decision on requests for approval to distribute literature.

Student Responsibilities

- Students should refrain from interrupting the educational process and to distribute literature in a manner prescribed by school regulations.
- Students should also refrain from the distribution of libelous or obscene material and material disruptive to the school process and be responsible for the contents of distributed material.

School Responsibilities

- School authorities shall promulgate reasonable rules setting forth in detail the time, manner, place and duration for distributing literature on school grounds and adjacent to school grounds to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school.
- Any consideration of the physical aspect of distribution by school officials must be done within a reasonable time.
- If judged to be disruptive of the school process, school authorities may regulate the right to distribute papers on or adjacent to school property.

Student Rights	Student Responsibilities	School Responsibilities
• Students and student organizations in consultation with school officials should be free within reasonable constraints to invite and hear speakers of their choosing.		• Where program speakers have engaged in conduct which violates constitutional standards embodied in State law, and there is reason to believe that they will repeat such conduct, school officials have authority to prohibit such program participation. • If a school allows some outside speakers to use school facilities, it may not deny other similar speakers the use of these facilities merely because such speakers are deemed controversial or undesirable by school officials. • School authorities may regulate the times and locations of speeches and assemblies and may require advance notice in order to avoid conflicts and ensure proper protection of the school community. • To ensure understanding and compliance, rules and regulations pertaining to these matters should be formulated, discussed, and published well in advance of preparation for and conduct of such programs. • In the interests of sound education, students should hear both sides of an issue.

FIRST AMENDMENT RIGHTS: PEACEABLE ASSEMBLY

Student Rights

- Students may only demonstrate (sit-in, picket, rally) as protected by the First Amendment under very restricted conditions.
- Demonstrations which occur during school hours, in school buildings, or about non-school policies are much more likely not to be protected under the First Amendment.

Student Responsibilities

- o Students should consider whether alternative methods of expression are available but still effective in getting their viewpoint across, because demonstrations can cause excessive disruption of school activities whereby the students involved will run the risk of being arrested.

School Responsibilities

- o Administrators should make a distinction between demonstrations which do and do not disrupt school activities.
- o Schools should define for students what they consider as material and substantial disruptions that occur during demonstrations.
- o School officials, upon determining excessive disruption of school activities during a demonstration, have the legal authority and responsibility for ordering the complete discontinuation of the demonstration including securing the legal arrest of students by law enforcement officials, if necessary.

FIRST AMENDMENT RIGHTS: PATRIOTIC CEREMONIES

Student Rights

- All students have the right to choose to participate or not to participate in flag ceremonies, in the Pledge of Allegiance, and in similar ceremonies. Students might, as a matter of courtesy, stand or remain seated quietly during the ceremony if they choose not to participate.

Student Responsibilities

- Students should develop a wholesome pride in America and participating students should join in partriotic ceremonies with respect and dignity.
- As a general rule, students are expected to join in partriotic ceremonies unless such participation violates earnest, personal or religious beliefs.*
- Non-participating students must refrain from creating any disturbance through the duration of a ceremony. Also, they should refrain from coercing other students to quit participating.

School Responsibilities

- Schools should do all they can to ensure dignified and meaningful patriotic ceremonies appropriate to and for school functions. Students who choose not to participate should not be penalized and no account of non-participation should be noted on their permanent records.

* West Virginia State Board of Education vs. Barnette, 319 U.S. 624 (United States Supreme Court, 1943).

FREEDOM OF RELIGION

Student Rights	Student Responsibilities	School Responsibilities
• Students have a right to a school environment free from any predetermined religion.	• Students have the responsibility to observe each student's right to freedom of religion.	• Schools have the responsibility to maintain an environment free from any direct practicing of a particular religion.

CIVIL RIGHTS AND RESPONSIBILITIES OF THE 18 YEAR OLD

Student Rights

- Students have the right to seek school assistance in becoming aware of their rights and responsibilities attendant to voting, elections, filing to run for a public office, military service, and other personal and civic rights and responsibilities which come to those reaching 18 years of age, or the age of majority.

Student Responsibilities

- Students should become aware of rights and responsibilities which are theirs upon turning 18 years of age, or reaching the age of majority, and exercise their newly acquired rights and responsibilities.

School Responsibilities

- Schools should make available and encourage student awareness of voting, elections, filing to run for public office, tax obligations, military service, and other personal and civic rights and responsibilities which come to those reaching 18 years of age, or the age of majority.
- The school program should assure that all students who graduate from high school are informed of various points of view on the major social, economic, and political problems facing our country and the world.

STUDENT GOVERNMENT

Student Rights

- Students should be free to establish a reasonable school constitution with the purpose of encouraging students to participate in student government. It should provide all students a voice in school affairs through a representative system approved by the school's administration and the local school board.
- All students have the right to seek and run for offices within the requirements for office holders established by a joint student/faculty committee.
- All students should have equal opportunity to run for and hold office.

Student Responsibilities

- All students should take an active part in student government.
- The student government should be a positive tool for change. Members of the student government should have the responsibility of representing the students of the school in view of what is best for the entire school community.
- The student government should be an effective part of the school operation and should be conceived, developed, approved, and viewed cooperatively by the full community of students, faculty, and administration.
- The student government should be concerned with:
  1. The operation and structure of the student government.
  2. The extent to which the student body has power to allocate student activity funds.
  3. Rules for conducting student body elections and campaigns.
  4. The initiation and coordination of student activities.
- A specific numerical grade point average should not be a requisite to run for or hold an office. (However, all students who run for or hold office should at least be passing in their classes and judged to be an effective school citizen.)
- Student leaders should conduct student government to assure that it is run fairly and representatively, and in accordance with policies conceived and developed by the full school community (students, teachers, administrators, and local school board).

School Responsibilities

- The school should provide the opportunity for all students to establish their student government.
- School administration and the local school board should support and encourage student leadership.

EQUAL OPPORTUNITY IN SPORTS

Student Rights

- All students should have the right to participate in school sponsored and organized programs at appropriate levels.

  This means:
  - o intramurals
  - o extramurals
  - o sports clubs
  - o varsity athletics--separate male and female programs are recommended.

- Girls should have equitable opportunities for sports participation.

Student Responsibilities

- Students have the responsibility to participate within the rules and regulations established for the school sports program.

- Boys should support girls' programs and girls should support boys' programs.

- Girls' sports programs should receive adequate funding and access to facilities from the school administration and from the district board of education in proportion to the interest, requests, and needs of girls.

- Students have a serious responsibility to control themselves and their colleagues at athletic contests. Students need to perceive the difference between support, school spirit and enthusiasm, and destructive behavior.

School Responsibilities

- School personnel should plan, program, and implement a sports program for all students which will include:
  - o intramurals
  - o extramurals
  - o sports clubs
  - o varsity athletics--separate male and female programs are recommended.

- School leaders should develop equitable sharing of facilities, budgets, equipment, practice schedules, etc. to promote participation for all interested students in the broad sports program.

- It is contrary to true equal opportunity to merely permit girls to participate on boys' teams. Separate interschool sports programs for boys and for girls should be implemented. It is not recommended that the boys' athletic programs be diminished, but that girls' programs be established and become a reality in addition to the boys' program.

- If sports and sports competition is of great worth and value for young men, it is also important and of value for young women.

Student Rights

- Students should be extended the opportunity to participate in a wide variety of school sponsored extracurricular activities of their interest and choice.
- Student leaders should be involved in preparing the budget for the school's extracurricular activities program.
- No educational institution at any level should deny participation in extracurricular activities to any applicant because of race, age, sex, religion, marital status, national origin, physical handicaps, or previous political activity.

Student Responsibilities

- Student participation in extracurricular activities should be in accordance with the policies and standards of the school, and with those specifically pertinent to the activity.
- Students should be continually aware that they not only represent themselves, but also the school when participating in school-sponsored extracurricular activities. Their conduct should reflect a positive image of themselves and of the school.
- Students choosing to participate in extracurricular activities should keep their classwork up to date and at a satisfactory level of achievement.

School Responsibilities

- School leaders should recognize that participation in extracurricular activities offers educational value equal to or exceeding that gained in regular classrooms during the day. In many cases the opportunity to be a participant in extracurricular activities is the primary holding force in keeping students in school.
- Schools should offer a wide variety of extracurricular activities based upon student interests such as, but not limited to: Foreign language clubs, FBLA, FFA, FHA, DECA, intramural and extramural sports, interschool sports, sports clubs--skiing, cycling, rock climbing, archery, riflery, etc.--pep clubs, drama and debate, etc.
- School boards and superintendents should reassess the offering of extracurricular activities including allocation of funds, etc. Emphasis should be given to extracurricular activities for the masses of students rather than continuation of programs for a few.
- It is recognized that schools tend to continue many practices based upon tradition. School leaders should reassess the practice of having pep clubs, pep bands, cheer leaders, etc., pay their own way to sports contests as representatives of the school while varsity team members ride and often eat at the school's expense. Both represent the school. More equitable policies and procedures should be adopted and implemented.

Section IV

DISCIPLINE AND GRIEVANCE

Due Process

Students are both subject to and protected by civil law. School officials and law enforcement personnel are required to adhere to "due process" in the area of student search, arrest, and interrogation. Besides the legal implications implied in "due process," such as the right to be informed concerning allegations and the right to representation, "due process" must also mean reasonableness and fairness in view of all the facts and circumstances.

GRIEVANCE PROCEDURE

Student Rights

- The First Amendment to the United States Constitution grants the people the right to petition the government for redress of their grievances. This right also applies to students who have the right to appeal a decision involving punishment by a member of the faculty, administration, or student government.
- Students should have an orderly appeal process available to them. The procedure should have approval of the district board of education.

Student Responsibilities

- The student has the responsibility to assess his or her own behavior to determine whether it warranted the punishment before appealing a decision.

School Responsibilities

- The school should provide an orderly process that a student might follow in appealing a decision. (A suggested procedure will be found in the Appendix.)
- In considering an appeal, the school officials must evidence a concern for the welfare, safety, and morale of other students in the school.
- School officials should consider whether the punishment is cruel, demeaning, or excessive.

ARREST AND INTERROGATION OF STUDENTS

Student Rights

- Students are entitled to the same protection under the law with respect to arrest as are all other citizens. Since certain disturbances on school property may become a nuisance or danger to city residents or their property, local police may intervene in such matters.
- Students have the right to be informed of the reasons for the interrogation and of their legal rights.
- Students have the right to have either a parent or a school official of their own choosing present at all interrogation conducted at the school. Legal counsel may be obtained by the student if the case warrants it.

Student Responsibilities

- In the area of arrest and interrogation, students have the same responsibilities as do all other citizens: this means that besides being responsible for the maintenance of their own civil rights, they will ensure that the law is also upheld by full cooperation and release of information which would aid civil authorities in their investigation.

School Responsibilities

- In all cases involving interrogation of students on school properties, the school has the responsibility of informing the student's parent(s) concerning the allegations.
- The school has a duty to care for and protect its students. The school should not release a student to a police officer in the absence of a warrant, unless the parent has been notified and given consent.
- In cases involving arrest and interrogation, school officials have the responsibility of becoming informed concerning the case to ensure that the rights of the student are protected. This means that the official should be aware of the implications of the law as well as students' rights in the school setting so that a proper balance might be maintained between the two.
- If the situation is such that the school official feels justified in permitting student questioning on school premises, he or she should act as a witness to the questioning and offer support to the student when needed or assign a responsible staff member in his or her stead.

Student Rights

- Students have the right to be present during locker searches. They also have the right to be informed concerning the conditions surrounding possible searches of leased properties. While the lockers themselves are properties of the school, students have the right to place personal properties of a legal nature in the lockers. They are entitled to the protection of these personal properties.
- The Fourth Amendment does not forbid search per se, but only unreasonable searches and seizures. Where students willingly accede to the investigation, they cannot be heard later to complain that it was illegal.
- Student rights are not violated when school officials, while in the performance of their duties, search lockers in the interests of all the students, whether present or not.

Student Responsibilities

- Students are responsible for the contents of the lockers they lease. This means that they will abide by the conditions regarding the use of these leased properties. They should not use lockers for the secreting of illegal or contraband materials.

School Responsibilities

- Student lockers are school properties but are leased or rented to students. They are, therefore, subject to search and seizure of illegal or contraband materials. Such a search is not considered an illegal search under the Fourth Amendment to the Federal Constitution, but a reasonable exercise of board and school power in the interests of the health, welfare, and safety of all school students. Courts have reasoned that the school extends locker use to students only for legitimate purposes. Illegal materials seized from student lockers may be used against the student in disciplinary, juvenile or criminal proceedings.
- Free lockers constitute leased "quarters" which still belong to the school, but which are temporarily utilized for the convenience of the students; therefore, when reasonable judgment is exercised, the locker may be searched with impunity.
- The school has the responsibility of protecting its properties (including buildings and grounds). Searches of such by school officials are legal.
- The school also has the responsibility of informing students concerning the conditions governing the use of school buildings and grounds and leased properties such as lockers. Officials should also inform students when searches are made and the reason for the search.
- Blanket searches of every locker should not be encouraged, except for an emergency (i.e., a bomb scare, or for health hazards).
- In the case of personal properties, such as clothing, handbags, briefcases, and automobiles, there must be reasonable evidence that the student is secreting materials of an illegal nature. Blanket searches of individuals or personal items should not be permitted.

SUSPENSION, EXPULSION AND EXCLUSION

Student Rights

- In connection with the suspension of a public school student for 10 days or less, due process requires that students be given oral or written notice of the charge against them, and if they deny it, an explanation of the evidence the authorities have and an opportunity to present their side of the story. There need be no delay between the time of notice given and the time of hearing since in the great majority of the cases the disciplinarian may discuss the alleged misconduct with the student minutes after it has occurred. Students whose presence imposes a continuing danger to persons or property or an ongoing threat of disrupting academic processes may be immediately removed from school and in such cases the necessary notice and rudimentary hearing should follow as soon as practicable.

- In cases of suspensions involving 10 or more days and of expulsions, due process must follow more formal procedures. Where allegations or charges of (but not limited to) assault or battery upon any other person on the school grounds or in a school related activity, possession or use of firearms, possession or sale of drugs on the school grounds, or theft from or damage to the institution premises or property, the procedure of due process becomes much more crucial to fair and equitable discipline in extended suspensions or exclusions of the student.

- In such cases of lengthy suspensions or expulsion, due process extends to include:

  1. timely and adequate notice of specific charges and grounds, in writing, which if proven, would justify expulsion under the regulations of the Utah Code and as authorized by the boards of education;
  2. reasonable notice of time and place of hearing, the hearing to be held as soon as practicable;
  3. right to an impartial trial;
  4. right to counsel;
  5. in cases of misconduct where collection of facts is crucial, the student should be given the names of the witnesses against him and an oral or written report on the facts to which each witness will testify;

Student Responsibilities

- The student should accept responsibility for acceptable school conduct.

- Students should not expect a hearing nor the full application of due process for every disciplinary action which threatens the student's right to his or her education. It is only where there is a serious denial of his or her right to education that a student may expect the constitutional right to due process to apply to him or her and only then consistent with the seriousness of the disciplinary action.

- Students must recognize that due process is not concerned with the wisdom or propriety of school board rules and regulations but with the fairness with which discipline is dispensed in those cases where liberty or property of the student is involved.

School Responsibilities

- The principal of a school may temporarily suspend any student when it is judged that continued presence of the student in the school would be substantially disruptive to the physical well being or the educational interests of other persons in the school. Such a temporary suspension should continue only as long as the immediate school situation requires but in no case shall it extend beyond 20 school days. The principal should give adequate notice to the student and his/her parents as to the reasons for the principal's action in the suspension of the student, where possible. This notice should include a description of the act leading to the suspension, the duration of the temporary suspension and give the student and opportunity for some kind of hearing afforded prior to the act of suspending when possible. Policy and Guidelines on Student Rights and Responsibilities in Pennsylvania, 1973. William V. Dale County School Board, 441 F.2d 299 (5th CA, 1971).

- No teacher may suspend a student in such a manner as to cause him/her to miss any of his/her other classes. A teacher may, however, evict a student from his/her own classroom and refer the student to the principal if further action is believed necessary.

- The student should have the right to appeal the principal's decision to the superintendent and through him or her to the board of education in that district.

- All children in any school district between eight and 18 years of age who, in defiance of earnest and persistent efforts on the part of their parents or teachers are habitual truants from school, or while in attendance at school are vicious, immoral or ungovernable in conduct, shall be deemed incorrigible, and it is the duty of the board of education of each school district to inquire into all such cases and report them to the juvenile court of such district, whose duty it shall be to prosecute such cases as incorrigible.

- Any minor who has reached the age of 16 years and whose experience has, in the judgment of school officials, demonstrated that such minor is unable to profit from school

Student Rights	Student Responsibilities	School Responsibilities
6. an opportunity to give one's own defense against charges and to produce either oral testimony or written affidavits or witnesses in his or her own behalf; 7. right to confront and question one's accusers; 8. a transcript of the hearing should be kept and the student is entitled, at his/her own expense, to a copy. • The student has a right to appeal the school board decision to the appropriate state court and if it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate federal district court.		attendance, either because of the student's continued negative attitude toward school regulations and school discipline, may be excused from school attendance upon recommendation of the school superintendent, and the approval of the district board of education. The evidence of the existence of any such reasons for non-attendance must satisfy the board of education of the district in which the child resides, which, if so satisfied, shall issue a certificate stating that the holder is exempt from attendance during the time thereon specified.

CORPORAL PUNISHMENT

Student Rights

- Students have the right to be secure and free from the fear of bodily harm. This must include bodily harm which is disguised as punishment or discipline.

Student Responsibilities

- Students are responsible to maintain the type of attitude and decorum which make the use of physical force unnecessary.

School Responsibilities

- The school is responsible for the maintenance of an academic environment congenial to a healthy relationship between teacher and student.
- Because the school must ensure the safety of both properties and students, physical force as a preventive measure for self-defense and protection of properties, staff, or students is permissible. Physical force should only be employed in an emergency situation where no other method of persuasion will work, and then only to the minimum extent required to assure safety to students, staff, and property. When possible, civil authorities (police) should be contacted to deal with unmanageable students.

APPENDICES

SUGGESTED GRIEVANCE PROCEDURE

Procedures for Appeal

1. A student who wishes to appeal a decision shall first discuss it with the administrator or teacher involved.

2. If the student is not satisfied with the resolution of the problem, he or she may appeal the decision to a student-faculty hearing committee.

3. The student shall submit his or her request for the hearing to the principal within five (5) days after the meeting with the principal and the teacher.

4. A student-faculty committee shall serve as the hearing committee. The committee might be formed in the following manner: one member selected by the administration, two faculty members selected by the faculty, one faculty member selected by the student body, the student body president, and two students elected by the student body.

5. Consideration might be given to having two co-chairpersons of the student-faculty committee who shall preside at alternate meetings. One shall be a faculty member and one a student.

6. A student who appeals a decision may request in advance of the hearing a statement in writing of the specific charges against him or her.

7. The student shall have an adviser of his or her own choosing, in his or her behalf, at the hearing. The advisor may be selected from the faculty, the student body, administration, or from outside the school.

8. The student-faculty committee shall meet promptly to act upon a request.

9. The student-faculty committee may take testimony from anyone it deems necessary to establish pertinent facts.

10. The committee shall make its determination by majority vote.

11. The committee has the following alternatives in making a determination:

    a. To approve the decision in question.

    b. To revoke the decision.

    c. To reduce a penalty if it is considered to be cruel, unusual, demeaning, or excessive.

12. A decision of the student-faculty committee may be appealed to the district superintendent and through him or her to the district school board. Students may also have access to the courts.

STUDENT SUSPENSIONS AND EXPULSIONS

It is recommended that school officials refer to the following source for suggested rules prohibiting serious student misconduct:

Phay, Robert E. and Cummings, Jasper L., Jr. Student Suspensions and Expulsions, Proposed School Board Code. Chapel Hill, North Carolina. Institute of Government, University of North Carolina. 1970. 49 pp.